

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BENJAMIN RODRIGUEZ,

Plaintiff,

-against-

SKY, 605 W 42ST OWNER LLC, *et al.*,

Defendants.

23-CV-8034 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated November 6, 2023, the Court granted Plaintiff 60 days' leave to file an amended complaint. On November 16, 2023, Plaintiff filed an interlocutory appeal and a motion for an extension of time to file this appeal. A notice of appeal in a civil case must be filed, however, within 30 days after entry of the order appealed from. *See* Fed. R. App. P. 4(a)(1)(A). Because Plaintiff filed a notice of appeal within 30 days after entry of the November 6, 2023 order, a motion for extension of time to file his interlocutory appeal is unnecessary. Accordingly, Plaintiff's request for an extension of time to appeal is denied as unnecessary.

CONCLUSION

Plaintiff's request for an extension of time to file a notice of an interlocutory appeal (ECF No. 12) is denied as unnecessary.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant

demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: November 20, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge